

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEDRO GOMEZ,

Plaintiff,

v.

DR. MERLE SOGGE, et al.,

Defendants.

No. C 08-2969 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO APPOINT EXPERT
MEDICAL WITNESS PURSUANT TO
RULE 706 AND TO MODIFY PRETRIAL
ORDER**

Before the Court is plaintiff Pedro Gomez's ("Gomez") "Motion to Appoint Expert Medical Witness Pursuant to F.R.E. 706 and to Modify Pretrial Order," filed August 14, 2012, by which Gomez seeks (1) appointment of an expert medical witness pursuant to Rule 706 of the Federal Rules of Evidence and (2) modification of the Pretrial Order to reopen expert discovery and continue the currently scheduled trial date. Defendants have filed opposition, to which Gomez has replied. The matter came on regularly for hearing August 24, 2012. Roger M. Hughes of Wendel, Rosen, Black & Dean LLP appeared on behalf of Gomez. Scott J. Feudale and D. Robert Duncan of the State of California Office of the Attorney General appeared on behalf of defendants. Having read and considered the parties' respective written submissions, and for the reasons stated on the record at the hearing, the Court rules as follows.

To the extent Gomez seeks appointment of an expert under Rule 706, the motion is

1 hereby DENIED for the reason that funds to retain an expert are available to Gomez
2 through this district's Federal Pro Bono Project.

3 To the extent Gomez seeks a continuance of the trial date to obtain an expert, the
4 Court finds good cause has been shown for the relief sought; accordingly, the motion is
5 hereby GRANTED and the September 24, 2012 trial date and September 11, 2012 pretrial
6 date are hereby VACATED.

7 In light of the above, and having conferred with the parties with respect thereto, the
8 Court hereby SETS the following revised pretrial schedule:

9 JURY TRIAL DATE: January 14, 2013 at 9:00 a.m.

10 PRETRIAL CONFERENCE DATE: December 18, 2012 at 10:00 a.m.

11 DESIGNATION OF EXPERTS:


12 Plaintiff: No later than October 1, 2012.

13 Defendant: Rebuttal no later than November 5, 2012.

14 EXPERT DISCOVERY CUTOFF: November 26, 2012.

15 **IT IS SO ORDERED.**

16
17 Dated: August 27, 2012

18 
19 MAXINE M. CHESNEY
20 United States District Judge
21
22
23
24
25
26
27
28